

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Michael Dubrovsky  
Serial No.: 10/683,614  
Filed: Oct. 10, 2003  
Confirmation No.: 1828  
Art Unit: 1724  
Examiner: Chester T. Barry  
Title: SELENIUM REMOVAL METHOD

ELECTION OF SPECIES UNDER 35 U.S.C. § 121

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action ("Office Action") having a mailing date of April 3, 2007, with a one-month shortened statutory period for response set to expire on May 3, 2007. As said period has expired, attached herewith is a petition under 37 C.F.R. § 1.136(a) for a one-month extension of time. The Director is hereby authorized to charge any additional fees or credit any overpayment to the Chevron Corporation Deposit Account No. 03-1620 (referencing matter T-6156).

I. RESTRICTION UNDER 35 U.S.C. § 121

In the Office Action, the Examiner has required that the Applicant elect one of

two identified species. See Office Action, at 2. The Examiner contends that Claims 1-20 are generic to the following disclosed patentably distinct species:

Species 1: Passing the stream through a filter, wherein the "filter" is a bulk, particulate filter medium, as disclosed at [0020] or "conventional filter medium," e.g., activated carbon [0034]; and

Species 2: Passing the stream through a filter, wherein the "filter" is a structured product the function of which is to mechanically separate particulates from a fluid, as disclosed for example, at [0031], e.g., sock filter or embedded in at least three of the patents incorporated by reference in this application, e.g., 6,159,379 ("filtration with various types...membranes"), 5,601,721 (Pneumapress dewatering filter), and 4,915,928 ("precipitated elemental selenium...can be recovered using...filtering").

II. ELECTION UNDER 35 U.S.C. § 121

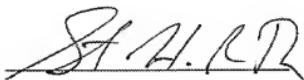
Applicant hereby elects, with traverse, Species 1. All pending Claims (1-20) read on said species.

Notwithstanding the above election, Applicant respectfully disagrees with the way in which the Examiner has delineated the species into methods employing either a bulk, particulate filter (Species 1) or a structured product (Species 2). Applicant notes that the structure of the filter media used in removing the selenide-containing species is not particularly limited, though a packed granular bed or column arrangement may provide a desirably-sufficient amount of surface area so as to efficiently remove such species.

**III. CONCLUSION**

As a result of the foregoing, it is asserted by Applicant that the Claims in the Application are now in a condition for allowance, and Applicant respectfully requests allowance of such Claims.

Respectfully submitted,



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May 14, 2007

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